

NIKKI BOLLINGER GRAE, Individually and ) Civil Action No. 3:16-cv-02267  
on Behalf of All Others Similarly Situated, )  
 )  
Plaintiff, ) Honorable Aleta A. Trauger  
 )  
vs. )  
 )  
CORRECTIONS CORPORATION OF )  
AMERICA, et al., )  
 )  
Defendants. )  
 )

Defendants attach as supplemental authority the recent decision in *Ohio Public*

- The court found that the evidence “demonstrate[d] that the alleged misstatements in the case at bar did not impact [the company’s] stock price, rebutting the presumption of reliance” pursuant to *Halliburton Co. v. Erica P. John Fund, Inc.*, 134 S. Ct. 2398, 2417 (2014), because, like in this case, “there was no evidence to suggest that the company’s disclosures were linked to the alleged misrepresentations and omissions in the Third Amended Complaint.” *Id.* at \*18.
- The court reasoned that the plaintiff “cannot meaningfully argue that the misrepresentations artificially maintained the price of the stock until risks materialized, as that argument proves too much at the class certification stage, where [plaintiff] has the burden of persuasion as an evidentiary matter.” *Id.* (citation omitted).
- The court concluded that “[a] theory that statements maintained an inflated stock price is not evidence that can refute otherwise overwhelming evidence of no price impact.” *Id.*

DATED: August 29, 2018

Respectfully submitted:

/s/ Steven A. Riley

Steven A. Riley (TN #6258)  
Milton S. McGee, III (TN #024150)  
RILEY WARNOCK & JACOBSON, PLC  
1906 West End. Ave.  
Nashville, TN 37203  
T: (615) 320-3700  
F: (615) 320-3737  
sriley@rwjplc.com  
tmcgee@rwjplc.com

David J. Schindler (admitted *pro hac vice*)  
Brian T. Glennon (admitted *pro hac vice*)  
Faraz Mohammadi (admitted *pro hac vice*)  
LATHAM & WATKINS LLP  
355 South Grand Ave.  
Los Angeles, CA 90071  
T: (213) 485-1234  
F: (213) 891-8763  
david.schindler@lw.com  
brian.glennon@lw.com  
faraz.mohammadi@lw.com

Morgan E. Whitworth (admitted *pro hac vice*)  
LATHAM & WATKINS LLP  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111  
T: (415) 391-0600  
F: (415) 395-8095  
morgan.whitworth@lw.com

*Attorneys for Defendants Corrections  
Corporation of America, Damon T. Hininger,  
David M. Garfinkle, Todd J. Mullenger, and  
Harley G. Lappin*

### **CERTIFICATE OF SERVICE**

I hereby certify that service of the foregoing document was made upon the following Filing Users through the Electronic Filing System:

Paul Kent Bramlett  
Robert Preston Bramlett  
BRAMLETT LAW OFFICES  
40 Burton Hills Blvd., Suite 200  
P.O. Box 150734  
Nashville, TN 37215  
pknashlaw@aol.com  
robert@bramlettlawoffices.com

Jeremy A. Lieberman  
J. Alexander Hood II  
Marc C. Gorrie  
POMERANTZ LLP  
600 Third Ave., 20th Floor  
New York, NY 10016  
jalieberman@pomlaw.com  
ahood@pomlaw.com  
mgorrie@pomlaw.com

Jerry E. Martin  
BARRETT JOHNSTON MARTIN &  
GARRISON, LLC  
Bank of America Plaza  
414 Union Street  
Suite 900  
Nashville, TN 37219  
jmartin@barrettjohnston.com

Patrick V. Dahlstrom  
POMERANTZ LLP  
10 South La Salle St., Suite 3505  
Chicago, IL 60603  
pdahlstrom@pomlaw.com

Michael Goldberg  
Brian Schall  
GOLDBERG LAW PC  
1999 Avenue of the Stars  
Suite 100  
Los Angeles, CA 90067  
michael@goldberglawpc.com  
brian@goldberglawpc.com

Christopher T. Cain  
SCOTT & CAIN  
550 W Main Avenue  
Suite 601  
Knoxville, TN 37902  
cain@scottandcain.com

James A. Holifield, Jr.  
HOLIFIELD JANICH RACHAL &  
ASSOCIATES, PLLC  
11907 Kingston Pike  
Suite 201  
Knoxville, TN 37934  
aholifield@holifieldlaw.com

Christopher Hamp Lyons  
Christopher M. Wood  
ROBBINS GELLER RUDMAN  
& DOWD LLP  
414 Union Street  
Suite 900  
Nashville, TN 37219  
clyons@rgrdlaw.com  
cwood@rgrdlaw.com

Dennis J. Herman  
Willow E. Radcliffe  
Kenneth J. Black  
ROBBINS GELLER RUDMAN  
& DOWD LLP  
Post Montgomery Center  
One Montgomery Street, Suite 1800  
San Francisco, CA 94104  
dennish@rgrdlaw.com  
willowr@rgrdlaw.com  
kennyb@rgrdlaw.com

this 29th day of August, 2018.

/s/ Steven A. Riley  
Steven A. Riley